

AUG 17 2006

PTO/SB/64 (07-06)

Approved for use through 09/30/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> 83,960
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First named inventor: R. JASON JOUET

Application No.: 10/637,090

Art Unit: 1755

Filed: AUGUST 6, 2003

Examiner: SAVAGE, JASON L.

Title: PASSIVATION LAYER ON  
ALUMINUM SURFACE AND  
METHOD THEREOF

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

# APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m)) (Please Charge Deposit Acct# 50-1114)

## 2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of RCE + PRELIMINARY AMENDMENT (Identify type of reply):

- ☒ has been filed previously on 11 JULY 2006
- ☒ is enclosed herewith. (Courtesy copy)

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-06)

Approved for use through 09/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Fredric J. Zimmerman  
Signature

17 August 2006  
Date

FREDRIC J. ZIMMERMAN  
Typed or printed name  
OFFICE OF COUNSEL (OCA)  
NAVAL SURFACE WARFARE CENTER  
INDIAN HEAD DIV. Address  
101 STRAUSS AVE., BLDG D-31  
INDIAN HEAD, MARYLAND 20640-5035  
Address

48,747  
Registration Number, if applicable  
(301) 744-5603  
Telephone Number

Enclosures: ☐ Fee Payment☒ Reply (PREVIOUSLY FILED COPY OF RCE + PRELIMINARY AMDT.)☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

17 August 2006  
Date

Fredric J. Zimmerman  
Signature  
FREDRIC ZIMMERMAN  
Typed or printed name of person signing certificate

AUG 17 2006

001

**FAX**

**OFFICE OF THE GENERAL COUNSEL**  
**CODE OC**  
**IHDIV/NSWC**  
**101 STRAUSS AVENUE**  
**INDIAN HEAD, MD 20640-5035**

**Date** 8/17/2006 15:34:54Number of pages including cover sheet 12**To:**Patent and Trademark  
OfficeCommissioner of  
PatentsMail Stop: PETITION

Phone \_\_\_\_\_

Fax Phone 1- (571) 273-8300

CC: \_\_\_\_\_

**From:**Fred ZimmermanIHDIV OFFICE OF  
COUNSELCustomer No. 24338Navy Case 83,960Phone 301-744-5603Fax Phone 301-744-4423**REMARKS:**☒ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

Enclosed is a Petition To Revive for Unintentional Abandonment under 37 CFR 1.1.37(b) for Application No. 10/637,090, authorization to charge Deposit Account No. 50-1114 for \$1,500, a copy of RCE and Preliminary Amendment previously filed on 11 July 2006 along with related fax sheet and return/confirmation fax sheet. Please confirm filing by facsimile. Thanks.

Fred Zimmerman Reg. No. 48,747

NAVSEA-Indian Head Division

Associate Counsel-IP 301-744-5603

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